

REMARKS/ARGUMENTS

The present remarks and arguments are submitted in response to the office action dated June 14, 2006. This response is intended to overcome all of the rejections made by the Examiner in that official action. Reconsideration of the application in view of the amendment of the claims, and these arguments and remarks is respectfully requested.

The previously presented claims, Claims 10-15, were all rejected either under 35 U.S.C.102 as being anticipated by the Sarantitis '575 patent or as being obvious to one skilled in the art over a combination of the Sarantitis patent taken with either the Erkfriz patent (Claims 11, 12, 15) or with the Zayat ('957) patent (Claim 14). Newly amended Claims 10, 11 and 14 are now the only claims presented and are believed to patentably distinguish over the Sarantitis patent alone or in combination with the Erkfriz or Zayat patents, as well as over the other prior art of record in this application for the reasons discussed hereinafter.

It may be of some benefit to summarize the chief operating characteristics of the invention along with the structural elements which establish these characteristics and separate it from the machines shown in the prior art and relied on by the Examiner in rejecting the claims. The invention is directed to a resurfacing machine having the ability to simultaneously resurface two adjacent surfaces. The new machine incorporates a multipurpose housing which serves the dual functions of operating as a main element to accomplish adjustment of the depth of cut for the surfaces being resurfaced and also as the containment enclosure for collecting dust and debris generated by the resurfacing action of the machine.

In the resurfacing arrangement of the Sarantitis patent, the dust/debris collection function is accomplished by the shroud 10, a part which is in addition to and physically overlying equivalent elements of the arrangement of the invention. The use of the shroud is plainly redundant to the components which make up the arrangement of the invention. The shroud 10, in contrast to the housing of the invention, is only rigid, as required by

claim 10, in its center panel 10A, with the remainder being formed of less than rigid, in fact, brush-like elements. The other sections of the shroud, 10B and 10C, are also not rigid. For this reason, it is not possible to use the Sarantitis shroud for the adjustment purposes that it is used for in the arrangement of the claimed invention. Moreover, because the shroud is so relatively large and unwieldy, it is easy to see why the arrangement of the invention results in a more compact and easily used tool. A quick look at Figure 6 of Sarantitis convinces one that the “rigid housing” of the invention eliminates entirely the need for the shroud 10 in Sarantitis. Looking at Figure 6 of Sarantitis, it is seen that the shroud 10 serves no other identifiable purpose and by eliminating it and incorporating its functions into the “rigid housing” of the invention, the size and cost of the resulting machine is reduced and its ease of use is increased. That is what invention is all about.

The Zayat and Erkfritz patents do not teach anything which lessens the patentability of claim 10 relative to the arguments made above.

Claims 11 and 14 which depend directly or indirectly from claim 10 are believed to be allowable for the same reasons as noted above with respect to claim 10.

In addition, claim 11 calls for the incorporation of a triangular blade into the arrangement of claim 10. While the Examiner’s position has been studied, it is not believed to be correct in its reliance on the Erkfritz teaching. Erkfritz is simply a disclosure of a triangular blade, but without the necessary teaching to make obvious its incorporation into a machine of the type provided in the claimed invention. There is no teaching of incorporation or usefulness of an Erkfritz-type blade into a specific structure of a resurfacing machine of the type contemplated by the invention. Nor is there any specific teaching as to how such would be incorporated in a machine of this type.

Claim 14 likewise claims that the housing, i.e. the element in the claimed invention that functions as the combination vacuum coupling and adjustment element, moves toward and away from the plate. In the Sarantitis arrangement the “housing” or

shroud 10 does not move in response to carrying out any adjustment described in Sarantitis. This is so because the adjustment screw 26 of Sarantitis acts only on the housing 30 and on the plate 29; it passes through a channel 26A and does not appear to affect the housing/shroud 10 at all.

In view of the above, this application is believed to be in condition for allowance and reconsideration and allowance is respectfully requested

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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